

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

LOLITA PENNINGTON, Individually and
As Representative of the Estate and Wrongful
Death Beneficiaries of ANDRIANA HALL,

PLAINTIFFS,

v.

Civil Action No.: 3:16cv248-NBB-JMV

SHARANJIT PARMAR, PARMAR TRUCKLINES,
UPS GROUND FREIGHT, INC., a/k/a
UNITED PARCEL SERVICE,

DEFENDANTS.

ORDER

Before the Court are Defendant UPS Ground Freight, Inc.'s ("UPS") motion for attorney's fees and expenses [101]; Plaintiff's response [102]; and UPS's reply [103].

As recited by UPS in its motion, this Court—following a hearing—awarded attorney's fees and expenses as a sanction against Plaintiff and in favor of UPS in connection with this Court's granting UPS's motion to compel discovery [98]. Specifically, the Court awarded one half the reasonable fees and expenses incurred by one of UPS's counsel in preparing the motion to compel and attending the hearing.

Having now considered UPS's request for an award of \$4,669.56, the Court is of the opinion that an award of fees in the amount of \$1,368.45¹ is reasonable, calculated based upon the following:

¹ Defense counsel states her firm's standard hourly rate is \$200.00. The award is calculated based upon one half of this hourly rate.

- Preparation of motion and memo, including revision - 6 hours²
- Travel to and from hearing - 6 hours³
- Hearing time - 50 minutes
- Mileage - \$85.12⁴.

Plaintiff shall pay \$1,368.45 to defense counsel within thirty (30) days of this date.

SO ORDERED this 25th day of January, 2018.

/s/ Jane M. Virden
U. S. Magistrate Judge

² Assuming that counsel did, as has been represented, confer in good faith regarding the alleged deficiencies, then certainly by the time it became apparent a motion to compel was necessary, the identification of and arguments concerning the asserted deficiencies were already delineated and had been articulated, making the preparation of the motion and memo a relatively simple task.

³ While it was obviously more convenient for defense counsel to travel from her home rather than her office, that convenience is not chargeable to the Plaintiff.

⁴ See footnote 3, *supra*.